IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3473 of 1996

Between:

A.Prasanna

..... PETITIONER

AND

1 The Collector R.R.Dist,
Lakdi-ka-pool, Khairtabad,
Hyderabad.
2 The Joint Collector, R.R.Dist,
Lakdi-ka-pool, Khairtabad,
Hyderabad.
3 Mandal Revenue Officer R.R.Dist,
Shamshad Mandal, Ranga Reddy District
4 P.Pochaiah, S/o. yellaiah,
R/o. Pilloniguda(V), Shamshabad (M),
R.R.Dist,

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ ,order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.1 dt.5.2.96 directing 3rd respondent to enter the name of the 4th respondent by deleting the name of the petitioner in respect of Sy.No.220 measuring 4 .Acres situated at Jukkal (V), Shamshabad(M), R.R.Dist as illegal, arbitrary and void..

Counsel for the Petitioner:MR.VIJAY KUMAR HEROOR , Advocate

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

RSR, J.

W.P.No.3473 OF 1996

ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the first respondent in directing the third respondent to delete the name of the petitioner by substituting the name of the fourth respondent in the Record of Rights relating to agricultural land admeasuring 4.00 acres situated in Sy.No. 220 of Jukkal village, Shamshabad Mandal, Ranga Reddy District, as illegal and arbitrary.

It is stated that the petitioner is the owner and possessor of the above said land by virtue of his purchase from its earlier owner and possessor, namely, Sri Pulapally Anjaiah on 17-10-1988 for a consideration of Rs.20,000/-. The said Pulapally Anjaiah, earlier, had purchased the said land from Sri A.Sudhershan Reddy by registered sale deed No.2049/78, dated 4-12-1978. It is the case of the petitioner that the said sale deed dated 17-10-1988 was regularized as per the provisions under Section 5-A of the Record of Rights Act, 1989 and name of the petitioner was entered in the Record of Rights as pattadar and possessor of the said land. Further, it is the case of the petitioner that though the fourth respondent is not having any

interest in the matter, after the death of the petitioner's father, he has started to claiming rights over the said land and approached the first respondent by filing revision petition. It is stated that no orders are communicated to the petitioner, but, pending revision proceedings, the first respondent has gave instructions to the third respondent-Mandal Revenue Officer to substitute the name of the fourth respondent with that of the petitioner in the revenue records.

At the stage of admission, this Court has granted interim orders, directing the respondent authorities not to effect any change in the revenue records in pursuance of the instructions issued by the first respondent on 5-2-1996.

Though the Writ Petition is of the year 1996, no counter affidavit is filed on behalf of the respondents. As per the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and its amendments, for change of entries in the revenue records, unless an order is passed by the competent authority and such order is served on the petitioner, no instructions can be issued to substitute the name of the fourth respondent in place of the petitioner. It is stated that the said instructions are issued as interim measure, pending disposal of the revision petition. In that view of the matter, inasmuch as the interim order granted by this Court is subsisting from

1996 onwards and, further, in view of no counter affidavit is filed on behalf of the respondents, I dispose of the Writ Petition, directing the respondents not to change any entries in the revenue records pertaining to the land admeasuring 4.00 acres situated in Sy.No. 220 of Jukkal village, Shamshabad Mandal, Ranga Reddy District, as otherwise than due process of law. Further, if any revision alleged to have been filed by the fourth respondent is still pending, it is open for the authorities to consider and pass appropriate orders, if not already disposed of.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

January 27, 2005.

MSNR.

1 The Collector R.R.Dist,
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R.R.Dist,

5. Two ccs to the Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT)

6. Two CD copies